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PATENT  
ATTORNEY DOCKET NO. 040894-7177

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Inventors: Kenichi NAKAYAMA *et al.* )  
)  
Application No.: 10/523,363 ) Group Art Unit: 1632  
)  
Filed: August 31, 2005 ) Examiner: Hama, J.  
)  
For: SUGAR CHAIN SYNTHESASE GENE )

Commissioner of Patents and Trademarks  
U.S. Patent and Trademark Office  
Customer Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is a Response to Notice of Non-Compliant Amendment dated May 17, 2007 in connection with the above application. The attached amendment include now a listing of all claim including proper status indicators.
2. Additional Documents:
3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
<input type="checkbox"/> one month	\$ 120.00	\$ 60.00
<input type="checkbox"/> two months	\$ 450.00	\$ 225.00
<input type="checkbox"/> three months	\$ 1,020.00	\$ 510.00
<input type="checkbox"/> four months	\$ 1,590.00	\$ 795.00
<input type="checkbox"/> five months	\$ 2,160.00	\$1,080.00

Extension of time fee due with this request: \$\_\_\_\_\_.

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))		minus	20	0	x \$50 each=	+ \$0
Independent Claims (37 C.F.R. §1.16(b))		minus	3	0	x \$200 each=	+ \$0
[ ] First presentation of Multiple dependent claim(s)					\$360.00	+ \$0
SUB-TOTAL =						\$0
Reduction by 2 for filing by a small entity						- \$0
TOTAL FEE =						\$0

5. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

6. Fee Payment

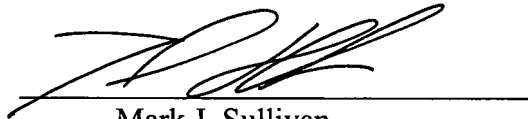
- [ ] The Commissioner is hereby authorized to charge \$\_\_\_\_\_ to Deposit Account 50-0310.
- [X] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR § 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: June 1, 2007

By:



Mark J. Sullivan

Reg. No. 54,478

**CUSTOMER NO. 09629**

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202-739-3000



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ATTORNEY DOCKET NO.: 040894-7177

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In re PATENT APPLICATION of:

**Kenichi NAKAYAMA *et al.***

Application No.: 10/523,363

Filed: **August 31, 2005**

FOR: **SUGAR CHAIN SYNTHASE GENE**

)  
) Confirmation No.: **1869**  
)  
)  
) Group Art Unit: **1632**  
)  
) Examiner: **Joanne Hama**  
)  
)  
)

United States Patent and Trademark Office  
Customer Service Window, **Mail Stop Amendment**  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Date: June 1, 2007

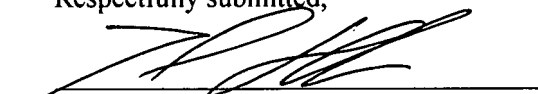
**RESPONSE TO NOTICE OF NON-COMPLIANCE**

In response to the Notice of Non-Compliance mailed May 17, 2007, Applicants attaches herewith a copy of pages 2 and 3 of the previously filed amendment, including the proper indication of the amendment to claim 5. No new matter has been added.

Applicants believe that no fees are due in this response at this time. If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310.

Respectfully submitted,

Date: June 1 2007

  
Mark J. Sullivan Reg. No. 54,478

**Customer No.: 009629**

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